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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION

MDL No. 2843
Case No. 18-md-02843-VC-JSC

This document relates to:

ALL ACTIONS

**PLAINTIFFS' SUPPLEMENT TO
MOTION TO COMPEL PRODUCTION
OF DOCUMENTS RELATED TO
FACEBOOK'S APP DEVELOPER
INVESTIGATION**

Judge: Hon. Jacqueline Scott Corley
Courtroom: 4, 17th Floor

To support its 20-page brief about the App Developer Investigation (the “ADI”), nearly 8 pages of which are single-spaced, Facebook submitted three categories of documents for *in camera* review. Facebook says it is offering the third category, consisting of five documents, to contextualize its claim of privilege over the ADI. But those documents are not family members to the 20 entries selected for *in camera* review. The submission of this category of documents is contrary to Discovery Order No. 12 and the Court’s guidance that no additional evidence should be submitted in connection with the parties’ briefing outside of the challenged documents and the privilege logs. *See, e.g.*, Hr’g Tr. 11:2-16 (Jan. 15, 2021). Thus, Plaintiffs respectfully request that the Court strike or disregard these materials.

A major factual error also requires correction. Facebook claims on seven occasions in its brief that, except for the 400 entries that Plaintiffs identified as not involving attorneys, Plaintiffs conceded privilege as the other entries. But, as Plaintiffs stated in a January 8, 2021 correspondence to Facebook, these 400 entries are *not* the only category of documents that Plaintiffs contend are unprivileged with respect to the ADI.

Dated: February 9, 2021

Respectfully submitted,

KELLER ROHRBACK L.L.P.

BLEICHMAR FONTI & AULD LLP

By: /s/ Derek W. Loeser
Derek W. Loeser

By: /s/ Lesley E. Weaver
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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Derek W. Loeser, attest that concurrence in the filing of this document has been obtained from the other signatory. I declare under penalty of perjury that the foregoing is true and correct.

Executed this day of February, 2021, at Seattle, Washington.

/s/ Derek W. Loeser

Derek W. Loeser

CERTIFICATE OF SERVICE

I, Sarah Skaggs, hereby certify that on February 9, 2021, I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

In addition, the following were served via email:

Anjeza Hassan
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/s/ Sarah Skaggs
Sarah Skaggs